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Restriction Election

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Attorney Docket	STAN-190	TECH CENTER 1600/2000 NOV 20 2002
First Named Inventor	D. Zeng	
Application Number	09/844,544	
Filing Date	April 27, 2001	
Group Art Unit	1644	
Examiner Name	M. Dibrino	
Title: <i>Methods for Inhibition of Polyclonal B Cell and Immunoglobulin Class Switching to Pathogenic Autoantibodies by Blocking CD1-Mediated Interactions</i>		

Sir:

This paper is responsive to the communication dated October 2, 2002, which set a one-month period for response.

In response, Applicants elect the invention of Group III, Claims 1, 2, 4-10, 12 and 13 for examination, with traverse. Applicants further elect the invention wherein the antibody specificity is B. Applicants respectfully submit that the class of CD1 blocking agents represents a generic claim, and that the election of antibodies should be an election of species in the group, not a separate invention.

While 35 U.S.C. 121 provides that restriction may be required to one of two or more independent and distinct., 37 CFR 1.141 provides that a reasonable number of species may still be claimed in one application if the other conditions of the rule are met.

As discussed in MPEP 806.04(a), species, while usually independent, may be related under the particular disclosure. Where inventions as disclosed and claimed are both (A) species under a claimed genus and (B) related, then the question of restriction must be determined by both the practice applicable to election of species and the practice applicable to other types of restrictions such as those covered in MPEP § 806.05 - § 806.05(i).

It is not possible to define a generic claim with that precision existing in the case of a geometrical term (MPEP 806.04(d)). In general, a generic claim should include no material element